

# **EXHIBIT A**

## *State Court Pleadings*



**Service of Process  
Transmittal**

11/21/2013

CT Log Number 523928900

**TO:** Gwen Bulington, Corporate Paralegal  
TitleMax  
15 Bull Street, Suite 200  
Savannah, GA 31401

**RE: Process Served in South Carolina**

**FOR:** TitleMax of South Carolina, Inc. (Domestic State: SC)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Emmy Flinkingshelt, Pltf. vs. TitleMax of South Carolina, Inc., Dft.
<b>DOCUMENT(S) SERVED:</b>	Cover Sheet, Summons, Complaint
<b>COURT/AGENCY:</b>	Greenville County Court of Common Pleas, SC Case # 2013CP2306138
<b>NATURE OF ACTION:</b>	Employee Litigation - Wrongful Termination - On July 9, 2013
<b>ON WHOM PROCESS WAS SERVED:</b>	CT Corporation System, Columbia, SC
<b>DATE AND HOUR OF SERVICE:</b>	By Certified Mail on 11/21/2013 postmarked on 11/20/2013
<b>JURISDICTION SERVED :</b>	South Carolina
<b>APPEARANCE OR ANSWER DUE:</b>	Within 30 days after the service of the same, exclusive of the day of such service
<b>ATTORNEY(S) / SENDER(S):</b>	Brian E. Arnold 1314 E. Washington Street Greenville, SC 29607 864-242-2427
<b>ACTION ITEMS:</b>	SOP Papers with Transmittal, via Fed Ex 2 Day , 797216066055 Email Notification, Danielle Gibson danielle.gibson@titlemax.biz Email Notification, Gwen Bulington Gwen.Bulington@titlemax.biz Email Notification, Travis Smuckler travis.smuckler@titlemax.biz
<b>SIGNED:</b>	CT Corporation System
<b>PER:</b>	Amy McLaren
<b>ADDRESS:</b>	2 Office Park Court Suite 103 Columbia, SC 29223
<b>TELEPHONE:</b>	800-592-9023

ALF

1314 E Washington St

Greenville, SC 29607

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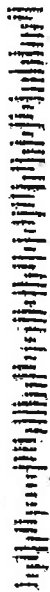
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CT Corp. System  
2 Office Park Court (Suite 103)  
Columbia, SC 29223  
(T.H. max of SC)

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STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

EMMY FLINKINGSHELT )

vs. )

TITELMAX OF SOUTH CAROLINA, INC. )

Defendant(s) )

IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
Plaintiff(s)  
PAUL B. KONSIMER

CIVIL ACTION COVERSHEET

2013-CP - 23- 06138

2013 NOV 13 AM 9 06

Submitted By: BRIAN ARNOLD  
Address: 1314 EAST WASHINGTON STREET,  
GREENVILLE 29607SC Bar #: 16839  
Telephone #: 242-2427  
Fax #: 335-4195  
Other:  
E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

## DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

## NATURE OF ACTION (Check One Box Below)

- |   |  |   |   |
|---|--|---|---|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input checked="" type="checkbox"/> Employment (120)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Other (199) | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>20 ____ -CP- ____ -<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Assault/Slander/Libel (300)<br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Other (399) | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) |
|---|--|---|---|
- 
- |  |  |   |  |
|--|--|---|--|
| <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599) | <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture—Consent Order (850)<br><input type="checkbox"/> Other (899) | <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Other (799) | <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) |
|--|--|---|--|
- 
- |   |  |
|---|--|
| <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Sexual Predator (510) |
|---|--|

Submitting Party Signature: 

Date: 11-7-13

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**FOR MANDATED ADR COUNTIES ONLY**

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**You are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA ) COURT OF COMMON PLEAS  
COUNTY OF GREENVILLE )

Emmy Flinkingshelt, )

Plaintiff, )

v. )

TitleMax of South Carolina, Inc. )

Defendant. )

Case No. 2013-CP-23-06138

**SUMMONS**

2013 NOV 13 AM 9 06

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER


**TO THE DEFENDANT ABOVE-NAMED:**

You are hereby summoned and required to answer the Complaint in this action, a copy of which is attached hereto and herewith served upon you, and to serve a copy of your answer to same upon the subscribed at 1314 E. Washington Street, Greenville, South Carolina, 29607 within thirty (30) days after the service of same, exclusive of the day of such service. If you fail to answer same within the thirty (30) day period, Plaintiff will apply to the Court for the relief demanded therein and judgment will be taken against you by default.

Respectfully submitted,

**ARNOLD LAW FIRM, LLC**

By:



BRIAN E. ARNOLD

S.C. Bar No. 16839

1314 E. Washington Street

Greenville, South Carolina 29607

(864) 242-2427

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	
	)	
	)	Case No. 2013-CP- <u>23-06138</u>
Emmy Flinkingshelt,	)	
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	
v.	)	
	)	
TitleMax of South Carolina, Inc.	)	
Defendant.	)	
_____	)	

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2013 NOV 13 AM 9 06

Plaintiff would respectfully show unto this Court as follows:

1. At all times relevant hereto, Emmy Flinkingshelt (hereinafter "Plaintiff"), was employed by Defendant (hereinafter "Defendant") in Greenville County, South Carolina. Defendant is a corporation duly organized under the law of South Carolina and conducts business across the state, including in Greenville County. Defendant is a covered employer under the FLSA and the ADEA.

2. This Court has jurisdiction to grant the relief sought herein pursuant to 29 U.S.C. section 201 et seq. (FLSA), the Age Discrimination in Employment Act of 1967, as amended ("ADEA"), and 29 U.S.C. sections 1161 et seq.

3. Venue is proper because the unlawful and improper acts giving rise to Plaintiff's claims occurred in Greenville County, South Carolina.

**For A First Cause of Action  
Retaliation  
Fair Labor Standards Act (FLSA)**

4. Plaintiff incorporates by reference the allegations of the preceding paragraphs as if set forth here in full.

5. Plaintiff, worked for Defendant, a covered “employer” under the FLSA, and both involved in interstate commerce. Plaintiff was employed by Defendant for almost three years until her termination on July 9, 2013.

6. Plaintiff complained to Defendant about overtime violations of the FLSA. Defendant terminated Plaintiff’s supervisor who required Plaintiff to work off the clock and paid Plaintiff back overtime pay. However, shortly thereafter, Plaintiff’s new supervisor began writing up Plaintiff for non-issues or false issues and then terminated Plaintiff. Such reasons were pretextual and simply a coverup for the real reason for termination: Plaintiff’s complaint about FLSA violations.

7. Defendant acted with malice and with reckless indifference for the rights of Plaintiff and as such, Defendant’s retaliatory termination of Plaintiff was a willful violation of the FLSA.

8. Plaintiff has suffered monetary damages as a result of the retaliatory termination.

WHEREFORE, Plaintiff respectfully requests a trial by jury on this first claim and that she be granted the following relief:

- (a). Actual and compensatory damages for the loss wages, including back and front pay and benefits;
- (b). Liquidated damages for the willful violation;
- (c). Attorneys fees, expenses, costs, and interest; and



- (d). All other and further relief as to this Court appears necessary and proper.

**For A Second Cause Of Action  
Age Discrimination**

9. Plaintiff incorporates by reference the allegations of the preceding paragraphs as if set forth here in full.

10. Plaintiff is substantially older than 40 years of age and is a covered employee under the ADEA. Plaintiff filed a charge of discrimination with the EEOC and received a Notice of Right to Sue. This action is filed within 90 days from the date of receipt of this Notice of Right to Sue.

11. Defendants treatment of Plaintiff was unfavorable when compared to her substantially younger counterparts. While Plaintiff was written up for false reasons, the younger employees who did commit work infractions were not written up. Thus, the reasons for Plaintiff's write-ups and termination were motivated by Plaintiff's age.

12. As a result of Defendant's discriminatory termination of Plaintiff, Plaintiff has suffered injury, including loss of income.

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WHEREFORE, Plaintiff respectfully requests he be granted the following relief:

- (a). Actual and compensatory damages for the loss wages, including back and front pay and benefits;
- (b). Liquidated damages for the willful violation;
- (c). Attorneys fees, expenses, costs, and interest; and
- (d). All other and further relief as to this Court appears necessary and proper.

**Jury Demand**

Plaintiff respectfully requests a trial by jury.

Respectfully submitted this 7<sup>th</sup> day of November, 2013.

For the Plaintiff:

A handwritten signature in black ink, appearing to read "Brian E. Arnold", written over a horizontal line.

Brian E. Arnold  
SC I.D. No. 16839

Arnold Law Firm  
1314 E. Washington Street  
Greenville, SC 29607  
phone: (864) 242-2427  
fax: (864) 335-4195